

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES FOR THE USE AND  
 BENEFIT OF AGATE STEEL, INC., et al.,

Plaintiff(s),

vs.

JAYNES CORPORATION, et al.,

Defendant(s).

Case No. 2:13-cv-01907-APG-NJK

ORDER

On August 17, 2015, the Court ordered Defendants to file a supplemental brief and evidence better explaining why they and/or the Army Corps believe any of the subject documents should be sealed. Docket No. 115 at 4-5. Defendants were required to make that supplemental showing no later than August 31, 2015. *See id.* On September 1, 2015, the Court construed Defendants' supplemental filing as a request for an extension of that deadline, and extended it to September 15, 2015. Docket No. 128. Now pending before the Court is Defendants' motion for additional time, filed on September 16, 2015. Docket No. 133.<sup>1</sup> The motion indicates that Defendants are continuing to confer with the Army Corps regarding the underlying motions, but provides scant details on that process and the timeline for

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<sup>1</sup> Because the motion was filed after expiration of the deadline, Defendants were required to establish excusable neglect in addition to good cause. *See* Fed. R. Civ. P. 6(b)(1)(B). A showing of excusable neglect was not made in the motion. As a one time courtesy to the parties, the Court will not require that showing in this instance. Nonetheless, Defendants are cautioned moving forward that they are required to strictly follow court orders and comply with court-ordered deadlines moving forward.

its completion. *See id.* at 3 (“Jaynes does not know the timeframe in which its request will be responded to”). The Court will provide an additional extension but cautions both Defendants and the Army Corps that they have been given ample time to make a showing that the underlying documents should be sealed, and the Court is not inclined to grant further extensions of the deadline absent a significantly more compelling showing of good cause. If Defendants and the Army Corps fail to provide sufficient justification for the sealing of the documents at issue by the deadline provided below or fail to provide sufficient justification for an further extension, the Court may unseal the documents.<sup>2</sup>

The Court hereby **ORDERS** as follows:

- No later than September 30, 2015, Defendants must file a supplemental brief and supporting evidence in relation to any of the subject documents for which sealing is still sought. No later than September 30, 2015, Defendants must file on the public docket any of the subject documents for which sealing is no longer sought.
- Any response in opposition to the supplemental brief must be filed no later than October 7, 2015.
- Any supplemental reply must be filed no later than October 12, 2015.

To the extent Defendants do not believe they can comply with the above deadlines, they must file a proper request to extend them. Defendants are further **ORDERED** to serve a copy of this order on the Army Corps as soon as practicable.

The Court hereby **INSTRUCTS** the Clerk’s Office to keep the subject documents sealed for the time being.

IT IS SO ORDERED.

DATED: September 17, 2015

  
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 NANCY J. KOPPE  
 United States Magistrate Judge

<sup>2</sup> The Court herein expresses no opinion as to whether the documents at issue can be sealed consistent with the applicable standards. *See, e.g.*, Docket No. 115 at 4 (“There may well be compelling reasons to seal the documents at issue, but those compelling reasons need to be articulated for each document at issue”).